

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:17-cr-00012-RLY-MPB
)	
JEREMIAH HELLER,)	-01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On November 16, 2021, the Court held an Initial Appearance on a Warrant for Violation of Supervised Release. Defendant Heller appeared in person with his appointed counsel Ron Freson. The government appeared by Todd Shellenbarger, Assistant United States Attorney. The United States Probation and Parole Office appeared by Officer Katrina Sanders.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Heller of his rights and provided him with a copy of the petition. Defendant Heller waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Heller admitted violations 1 and 2 ([Docket No. 35](#)). The government indicated it would not move forward with violation 3.
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

	Violation Number	Nature of Noncompliance
	1	<p>"You shall not commit another federal, state, or local crime."</p> <p>On February 20, 2021, Jeremiah Heller was arrested for a new criminal offense in Spencer County, Indiana for Resisting Law Enforcement - Uses Vehicle or Draws or Uses Deadly Weapon (Felony), Operator Never Received License (Misdemeanor), Reckless Driving (Misdemeanor), and Criminal Recklessness (Misdemeanor).</p>
	2	<p>"The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance."</p> <p>As previously reported to the Court on February 3, 2021, Jeremiah Heller tested positive for Amphetamine. Mr. Heller admitted to ingesting Methamphetamine.</p>

4. The parties stipulated that:

- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant's criminal history category is III.
- (c) The advisory range of imprisonment applicable upon revocation of supervised release, therefore, is 8-14 months' imprisonment.

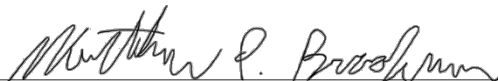
5. The Parties jointly recommended a sentence of sixty (60) days with two (2) years supervision to follow and a special condition that defendant's first six (6) months of supervised release be served at the Volunteers of America.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the

petition, that his supervised release should be revoked, and that he be sentenced to custody of the Attorney General or his designee for a period of sixty (60) days. Defendant to recommence supervised release upon release from imprisonment for a period of two (2) years, with a special condition that the first (6) months of release be served at the Volunteers of America residential facility in Evansville.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: November 17, 2021


Matthew P. Brookman
United States Magistrate Judge
Southern District of Indiana

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United States Probation Office, United States Marshal